FILED
08/13/2024
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 24-0404

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 24-0404

IN RE THE NAME CHANGE OF:

BOBBY FRANCIS LOWRY, V,

Petitioner and Appellant.

ORDER

FILED
AUG 13 2024
Bowen Greenwood
Clerk of Supreme Court
State of Montana

Bobby Francis Lowry V moves this Court for relief in his recent filings: (1) Motion for Extension of Time; (2) Motion for Waiver; and (3) Motion for Clarification. Lowry requests a grant of extension of time to file his opening brief until September 20, 2024. Secondly, he asks to file a handwritten, not typed, opening brief as he has no access to a typewriter presently and to submit his brief without the blue cover page. Lastly, he points out that this Court granted his motion to proceed without paying the filing fee on appeal, yet the Clerk of District Court has billed him $5.00 for fees in preparing and transmitting the record on appeal from the Missoula County District Court.

This Court received the record electronically on July 22, 2024, and Lowry's opening brief would be due on August 21, 2024. His first request for an extension of time would fall on Friday, September 20, 2024.

Lowry, as an incarcerated individual, may submit a hand-written, opening brief and without the blue cover sheet in this appeal.

Lastly, Lowry's motion to proceed without paying the filing fees is limited to only the filing fee in this Court under the Montana Rules of Appellate Procedure. "The grant of a motion to proceed without payment of the required filing fee waives the filing fee but does not entitle the party to waive other fees or costs, such as transcript preparation costs or attorney fees." M. R. App. P. 5(5). This Court's granting of his motion to proceed

IT IS ORDERED that:

1. Lowry's Motion for Extension of Time is GRANTED and Lowry shall prepare, file, and serve his opening brief on or before September 20, 2024;
2. Lowry's Motion for Waiver is GRANTED in part and for the limited purpose of submitting a hand-written, opening brief without a blue cover; and
3. Lowry's Motion for Clarification is DENIED.

The Clerk is directed to provide a copy to counsel of record and to Bobby Francis Lowry V personally.

DATED this 13th day of August, 2024.

For the Court,

By _____
Chief Justice